

1 P-R-O-C-E-E-D-I-N-G-S

2 10:57 a.m.

3 MR. KLINE: Do you still have a Heist
4 fact finding on the agenda?

5 CHAIRPERSON ANDERSON: We do have a
6 Heist fact finding. So, all right --

7 (Simultaneous speaking.)

8 MR. KLINE: -- matter perhaps and --

9 CHAIRPERSON ANDERSON: All right.
10 Okay. Okay. All right, Mr. Kline, what I will
11 do then, let me, hopefully the Licensee for the
12 Heist is on, so what I will do, I will recall
13 this case while you find your client.

14 So I'll recall the case. So let's
15 then do the fact finding on the Heist. License
16 Number 107384.

17 So, Ms. Andrews can you please, are
18 you representing this case, Mr. Klein?

19 MR. KLINE: Yes. Yes.

20 CHAIRPERSON ANDERSON: Okay. All
21 right, so, and is your Client participating in
22 this case?

23 MR. KLINE: I'm representing them.
24 Yes.

25 CHAIRPERSON ANDERSON: All right. So,

1 Ms. Andrews, can you please elevate the rights of
2 the Licensee and the Investigator in the Heist
3 please?

4 MS. ANDREWS: Mr. Chair?

5 MR. KLINE: Pietro Spada is here for
6 the Licensee.

7 MS. ANDREWS: Okay. Standby.

8 MR. KLINE: Thank you.

9 MEMBER HANSEN: Mr. Chair, I will be
10 recusing myself from this hearing.

11 CHAIRPERSON ANDERSON: All right. So
12 Board Member Hansen will not be participating in
13 this case. Thank you. All right.

14 MS. ANDREWS: Mister or Miss Spada
15 your rights have been elevated. Ms. Dantzler,
16 your rights have been elevated. And
17 Investigator, does Investigator Brashears need to
18 be elevated for this case as well?

19 CHAIRPERSON ANDERSON: Ms. Dantzler,
20 Investigator Brashears needs to be elevated for
21 this case, are you aware, ma'am?

22 MS. DANTZLER: Yes, sir.

23 CHAIRPERSON ANDERSON: So, yes, Ms.
24 Andrews, please elevate the rights of --

25 MS. ANDREWS: Okay.

1 CHAIRPERSON ANDERSON: -- Investigator
2 Brashears.

3 MS. ANDREWS: Okay. Mr. Brashears,
4 your rights have been elevated. That's all, Mr.
5 Chair.

6 CHAIRPERSON ANDERSON: Thank you. All
7 right, this is a fact finding hearing on Heist,
8 license number, I'm sorry, this is Heist, License
9 Number 107384.

10 May we have the parties identify
11 themselves for the record. Let's start with ABRA
12 Investigator Dantzler.

13 MS. DANTZLER: Good morning. My name
14 is Felicia Dantzler, ABRA lead Investigator.

15 CHAIRPERSON ANDERSON: Spell and state
16 your name, ma'am.

17 MS. DANTZLER: First name, F-E-L-I-C-
18 I-A, last name, D-A-N-T-Z-L-E-R.

19 CHAIRPERSON ANDERSON: All right,
20 thank you. Supervisor Investigator Brashears?
21 You're on mute, sir.

22 MR. BRASHEARS: There we go.
23 Supervisor Investigator Mark Brashears. That's,
24 M-A-R-K, last name is, B-R-A-S-H-E-A-R-S.

25 CHAIRPERSON ANDERSON: Good morning,

1 sir. Mr. Kline.

2 MR. KLINE: Yes. Andrew Kline, A-N-D-
3 R-E-W, last name Kline, K-L-I-N-E. Attorney for
4 the Licensee.

5 CHAIRPERSON ANDERSON: And who is here
6 with you today, Mr. Kline?

7 MR. KLINE: Pietro Spada.

8 MR. SPADA: How are you doing? My
9 name is Pietro Spada, P-I-E-T-R-O, last name
10 Spada, S-P-A-D-A. I'm the manager for Heist.

11 CHAIRPERSON ANDERSON: Good morning,
12 sir.

13 MR. SPADA: Good morning, everyone.

14 CHAIRPERSON ANDERSON: All right,
15 we're here today for a fact finding hearing. The
16 relevant facts for this case, on June 26th, 2021
17 at approximately 11:00 p.m. Investigator Dantzler
18 visited the Kennedy Center after learning of the
19 catered event Heist was hosting there.

20 There was speculation that a Licensee
21 was catering an event that was not offering food,
22 or little food. When she arrived she observed
23 numerous alcoholic beverages on the tables and
24 empty boxes for alcoholic beverages.

25 Investigator Dantzler did not observe

1 any signs and the presence of food when she met
2 with the ABC Manager Mr. Spada. He told her that
3 the Kennedy Center provided food at the beginning
4 of the event at 8:45 p.m. When Investigator
5 Dantzler asked him when the event ended he stated
6 that it was ending at 2:00 a.m.

7 The Licensee was able to produce an
8 invoice from Restaurant Associates for \$2,000 for
9 food but did not itemize what food items were
10 offered. Additionally, a review of the
11 Eventbrite advertisement for the event, the Heist
12 summer series featured various bottled packages
13 but not mentioning of food being offered.

14 So that's one of the reasons why the
15 Board is concerned that this event has been held,
16 a caterer's license has been utilized and the
17 proper food are not being provided. So what the
18 Board will do, we'll have the Investigator go
19 through her report. We'll also have the
20 supervisor also testify that he saw desired food
21 testified, and then, Mr. Kline, you can respond
22 on behalf of your Client.

23 All right. Ms. Dantzler, can you tell
24 us why are we here this morning please?

25 MS. DANTZLER: Yes, sir.

1 CHAIRPERSON ANDERSON: Why are we here
2 this morning?

3 MS. DANTZLER: Yes, sir. On June
4 26th, 2021, Supervisor Investigator Mark
5 Brashears advised me that he learned Heist was
6 hosting an event at the Kennedy Center and may
7 not be serving food.

8 On June 26th, 2021, I appeared at the
9 Kennedy Center at approximately 11:00 p.m. and I
10 met with Michael Lee, who identified himself as a
11 member of the Kennedy Center security team. Mr.
12 Kennedy escorted me to the rooftop area where the
13 event was being held.

14 Once on the rooftop Mr. Lee stated
15 that he can identify the person who was
16 responsible for the Heist event, however he had
17 to go in search of him. Once I arrived also on
18 the rooftop, I observed the event was well
19 attended by patrons, music was playing and there
20 was a DJ and entertainers were parading
21 throughout the event in costumes.

22 As Mr. Lee went in search of the host,
23 I walked the event and observed there were no
24 signs of food service or consumption. More
25 particularly, I saw no plates, no condiments, no

1 uneaten food. And there were no forks or spoons
2 anything associated with food service.

3 However, I did see bartenders in an
4 area where they were fulfilling drink orders.
5 Also on the table I saw a bar setup on each table
6 that consisted of Red Bull, Moet Champagne.

7 Soon after, Pietro Spada appeared and
8 identified himself as the ABC manager. I then
9 identified myself to Mr. Spada and I asked Mr.
10 Spada where the food was. And Mr. Spada stated
11 at 8:45 all food was placed on each table and the
12 food was consumed.

13 Mr. Spada also went on to say that he
14 paid, that Heist paid, \$2,000 in food service to
15 the Kennedy Center to provide food service.

16 At that point it prompted me to ask
17 Mr. Spada for the ABC license that the
18 establishment was using for the event. Mr. Spada
19 advise he had the license, however he did not
20 have it on him and he had to go in search of it.

21 Meanwhile, as Mr. Spada went in search
22 for the license, I did another walkthrough at
23 that time to count the number of patrons that
24 were at the event. Using my clicker, I counted
25 approximately 195 patrons.

1 Mr. Spada returned with the ABC
2 license of Heist. And at that point I advised
3 Mr. Spada that it clearly shows that the Kennedy
4 Center is not the host of the event and that
5 because Heist is using their caterer's license
6 that Heist was responsible for food service until
7 the end of the event.

8 I advised Mr. Spada of the violation.
9 And then after that I left the premises.

10 CHAIRPERSON ANDERSON: All right,
11 thank you, Ms. Dantzler. Lead Investigator,
12 Brashears, do you have anything you want to add?

13 MR. BRASHEARS: Yes, sir. Based on
14 what Investigator Dantzler found, I conducted
15 research of Eventbrite for the event. And it
16 listed parking, it listed directions, dress code,
17 many different things, but it had no mention of
18 any type of food or hors d'oeuvres or anything
19 being offered.

20 So, as such, there seemed to be a
21 debate between my investigator and the
22 establishment as to when food was provided and
23 how much. So I reached out to the owner of the
24 establishment, and he referred me to Mr. Spada,
25 who provided me an invoice from Restaurant

1 Associates where Restaurant Associates provided
2 approximately \$2,000 worth of food for the event,
3 which Heist paid for.

4 So at that point we have a situation
5 where Heist is catering an event and did not
6 provide the food. So to close the loop, I
7 reached back out to the owner and asked for
8 copies of alcohol invoices for the event. And I
9 received those invoices totaling over \$14,700
10 where Heist had provided the alcohol but not the
11 food for a catered event.

12 And the documents I received for the
13 food listed Heist Summer Series but no
14 itemization, it just listed food. So in addition
15 to whether there was food or not for the entire
16 event, we have a situation where a caterer
17 provided alcohol and technically they provided no
18 food.

19 CHAIRPERSON ANDERSON: Mr. Brashears,
20 why is this important? Why are we talking about
21 food? Why do they need to provide food?

22 MR. BRASHEARS: Well, under our
23 regulations it stipulates that if you're going to
24 use a catering license for an event the event
25 should have food and that the alcohol would be

1 incidental to said food.

2 So the primary reason to have a
3 catering license and to cater an event is for
4 food. And in this incidence, the licensee, it
5 does not appear, provided the food.

6 CHAIRPERSON ANDERSON: And how much
7 food are they supposed to have and when is food
8 supposed to be available?

9 MR. BRASHEARS: My understanding is
10 that food, it should be enough to feed everyone,
11 and it should be available throughout the event.

12 CHAIRPERSON ANDERSON: Okay. And in
13 this particular case, it's the Agency's position
14 that, at least what Investigator Dantzler saw was
15 that there were, at least during her
16 investigation, there was no food provided, is
17 that correct?

18 MR. BRASHEARS: Well, we couldn't
19 prove one way or the other. She did not observe
20 any type of food, food refuse, any remnants of
21 dishes or anything of that nature.

22 CHAIRPERSON ANDERSON: All right.
23 Okay. Thank you. All right, Mr. Kline, you are
24 aware of, I know you are aware of the Regulation,
25 D.C. Code Section 25-113(i) that talks about a

1 caterer's license and the requirement.

2 So what is it that your, what's your
3 Client's position, please sir?

4 MR. KLINE: Well first of all, it
5 seems to me that there are a whole bunch of
6 requirements that seem to be being imposed that
7 are not in the regulations and are not in the
8 statute.

9 Let's start with 25-113 which says,
10 the caterer license under this subsection shall
11 possess or have reasonable and ongoing access to
12 a kitchen. That was clearly the case here.

13 There was a kitchen. Restaurant
14 associates has the authority and contracted with
15 the Licensee for the preparation of the food.

16 It then goes on to say, under (2) of
17 that section, that the caterer's license shall
18 authorize the Licensee to sell, deliver and serve
19 alcoholic beverages for consumption on the
20 premises of a catered event at which the licensee
21 is also serving prepared food.

22 Now, there isn't any requirement that
23 the prepared food be served during the entirety
24 of the event. And certainly I've been to many,
25 many weddings where when dessert is done there

1 isn't food available any longer there is just
2 alcohol.

3 So it seems that we have a number of
4 requirements that have been imposed that are not
5 in the statute per the regulations.

6 2000.1 of 23 DCMR says that a
7 caterer's license shall authorize the licensee to
8 sell, deliver and serve alcoholic beverages for
9 consumption on the premises of the catered event
10 at which the licensee is also serving prepared
11 food. Now, this requirement that the event
12 primary be about food is also not found in the
13 statute of the regulations.

14 There is a requirement that the
15 business entity, which is engaged in the
16 activity, be engaged principally in the process
17 and preparation and service of food products,
18 prepared for such an event. And that the service
19 is incidental to food prep and service.

20 But that relates to the overall
21 business. In other words, during the course of
22 the year if they do an event where there is
23 little food but there is food prepared, I don't
24 see where that's a violation.

25 At least the way I read the statute

1 and the regulations. Perhaps the Board disagrees
2 but that's the way we look at it. That it's the
3 totality of the business over the course of the
4 year.

5 With respect to any particular event
6 is to have prepared food available and provide
7 it. Now, certainly there are many situations and
8 arrangements where those licenses, caterers'
9 contract, and can contract with others, to
10 provide the food at a particular event. As long
11 as they have, under 25-113(i)(1)(b), reasonable
12 and ongoing access to a kitchen licensed by the
13 District of Columbia Department of Health.

14 Now, the Licensee in this case, there
15 are three affiliated entities that also have
16 kitchens. And among those places, that's where
17 they typically prepare food.

18 This event, however, was at the
19 Kennedy Center. Restaurant Associates has an
20 exclusive in the Kennedy Center for food prep, so
21 they contracted with Restaurant Associates to
22 provide the food.

23 I have pictures, if the Board wants to
24 see, in terms of what was prepared and what was
25 served. It was prepared desserts that were

1 served earlier and were gone by the time the
2 Investigators got there.

3 And certainly, we have a receipt from
4 Restaurant Associates which reflects that as
5 well. I'm sure that way can ensure you we did
6 not make up this. They paid Restaurant
7 Associates for these desserts.

8 CHAIRPERSON ANDERSON: Mr. Kline, I
9 have 2000.1, which you read part of it. And
10 2000.1 states, after you stopped reading, it
11 states, a caterer is a business entity engaged
12 principally in the process and preparation and
13 service of food products which have been prepared
14 especially for the customer of an event. And the
15 service of alcoholic beverages is incidental to
16 the food preparation and service.

17 MR. KLINE: Right. So --

18 CHAIRPERSON ANDERSON: Hold on. Hold
19 on. It further goes on to say, a caterer's
20 license shall not be granted or to be maintained
21 by entities which only serve snack items. Snack
22 items shall include, but not limited to, potato
23 chips, popcorn, pretzels, nuts, cookies, candies.

24 A violation of this section shall be
25 granted for the Board to order the license to

1 show cause while the license should not be
2 suspended or revoked or a simple fine imposed.

3 Now, I need further clarification from
4 you, sir. So are you saying that we have a
5 caterer who provided all the, from what I am
6 being told, is that a caterer provided, "because
7 of the relationship with Restaurant Associates,
8 that Restaurant Associates is the one who
9 provided the food for the event of the Kennedy
10 Center."

11 So what you're saying that the caterer
12 provided no food for this event because the
13 caterer bought \$2,000 worth of food from
14 Restaurant Associates. So, all that the caterer
15 did was to provided alcohol for this event. Is
16 that what you're --

17 MR. KLINE: I disagree with that
18 conclusion because the caterer can provide food
19 in a number of different ways. It doesn't say
20 that the caterer has to prepare the food
21 necessarily in their own kitchen.

22 In fact, if you look at the statute,
23 apart from the regulation, it specifically
24 contemplates that the caterer merely have access
25 to a kitchen, not that it be prepared in their

1 own kitchen. That's number one.

2 Number two is, the caterer is
3 responsible for serving the food. There isn't
4 any specific requirements that they are the ones
5 that deliver it.

6 If you look at 113, 25-
7 113(b)(2)(i)(1)(b)(2) it authorizes the licensee
8 to sell, deliver and serve alcoholic beverages
9 for consumption on the premises of a catered
10 event at which the licensee is also serving,
11 serving, prepared food. And this Licensee was
12 serving prepared food.

13 There isn't a requirement in the
14 statute or the regulations which constricts the
15 Licensee from only serving food prepared in its
16 kitchen, or by it directly.

17 We have circumstances where sometimes
18 caterers will use, will bring in food trucks as
19 contractors where the food truck will be the one
20 preparing the food, but the caterer will be the
21 one running the event. The caterer will be the
22 one contracting for the service and delivery of
23 food to the attendees at the event.

24 But it doesn't, the statute or the
25 regulations, from what I can read, doesn't

1 require that specific employees of the caterer
2 must be the ones that prepare the food. In fact,
3 it's like pointing out earlier, 25-113(i)(1)(b)
4 says that the caterer must have access to a
5 kitchen license. And then it goes on to say that
6 they then are authorized to sell alcohol along
7 with, serve alcohol along with serving prepared
8 food.

9 So I think there are a couple of
10 different issues and a number of moving parts.
11 And I think where we sometimes get confused in
12 the statute and these regulations is what's
13 required of the business entity, as an ongoing
14 business entity, which is one issue.

15 And clearly, with respect to the
16 business entity, the business entity is required
17 to be one that is principally involved in the
18 preparation, service and sell of food, with
19 alcohol being incidental.

20 Then we have the requirements of the
21 specific event. Which are different from what
22 may be required of a business entity.

23 CHAIRPERSON ANDERSON: Mr. Kline, I
24 believe that we have a misconnect going on here,
25 so maybe your interpretation of what a caterer

1 is. Maybe I'm confused. Maybe I don't know what
2 a caterer is.

3 Because it's my understanding, as a
4 layperson, is that, I'm not speaking as the
5 Chairman, well yes, I'm speaking as the Chairman
6 of the ABC Board.

7 I'm having an event, I need food and
8 so I go to a caterer. And it's the caterer's
9 responsibility to provide the food for the event.
10 And oh, by the way, the caterer can also provide
11 alcohol by the alcohol is incidental to the food.

12 Now, my interpretation of the statute
13 is not that I go hire a caterer to caterer my
14 event, to take care of, provide the food and to
15 provide the alcohol and that the caterer is going
16 to sign a contract with someone else, for someone
17 else to cook the food and provide the food. And
18 all the caterer does is that the caterer provide
19 the alcohol.

20 But again, sir, going back to the
21 statute, (a)(1), I'm sorry, (i)(1)(b). And you
22 talked about this also to say that it says, a
23 caterer's license under this section shall
24 possess or have a reasonable and ongoing access
25 to a license, to a kitchen, okay.

1 So my interpretation of that is that
2 you're supposed to have access to a kitchen
3 because you are going to provide, you are going
4 to make food in the kitchen. You're going to
5 prepare food in the kitchen. Not that, okay,
6 there is a kitchen, there is a kitchen there so I
7 can say I have access, but some other person is
8 providing the food.

9 So you don't need to have access. Why
10 would I, as a caterer, require access to a
11 kitchen if I'm going to look in the kitchen, oh
12 yes, that's a nice, there's a kitchen there but I
13 never cook in the kitchen.

14 And you're going to say to me, well,
15 I have access, but I have a kitchen in my house,
16 I have never cooked, I have never used it, but
17 you can say, well, you know, I have a kitchen, I
18 have access to it, but I have never cooked
19 because I caterer all my food. I order food
20 online.

21 But I can say, oh yes, I have a
22 kitchen in my house. I do not believe that is
23 the spirit of the regulation, sir. So, all
24 right.

25 MR. KLINE: Well, we're conflating two

1 different issues here, okay.

2 CHAIRPERSON ANDERSON: I hear you. I
3 hear you, Mr. Kline. I guess at this juncture,
4 is it your Client's position that they complied
5 with the statute because they provided the food
6 and the alcohol that was provided for the event
7 was only incidental to their contract in the
8 sense because they complied with the statute by
9 providing sufficient food for the event?

10 That's your Client's position, is that
11 correct?

12 MR. KLINE: No. I think I want to
13 respond to some of what you said. So basically
14 what you're saying is if a wedding hosts this
15 catering event, catering an event, they can't
16 contract with Butter Cream bakery to provide the
17 wedding cake. Which I don't think that that's
18 what the statute provides.

19 It seems to me that the statute
20 authorizes the service of food. Now clearly, if
21 this Licensee never prepared any food, and that's
22 not what this fact finding hearing is about, and
23 that in every instance they never prepared food,
24 then I would agree with you.

25 But that goes to the business entity

1 part of it. It's like, what is the business of
2 this entity on an ongoing basis, not with respect
3 to a particular event.

4 We have requirements for the ongoing
5 business entity, which has to meet certain
6 requirements to qualify for the caterer's
7 license. And then we have requirements for a
8 specific event, which are different than what
9 overall the business of the caterer is.

10 There isn't any requirement, that I
11 find in the statute and the regulations, that
12 with respect to every single event that they're
13 involved in, that they cannot contract for the
14 food. If they're not principal a food service
15 business, then I agree with you.

16 But if they are principal a food
17 service business and otherwise qualify for the
18 issuance of a catering license, then in one
19 particular event, if they contract with someone
20 else, then that doesn't mean they're not a
21 caterer. I mean, that's like saying that a
22 grocery store isn't a grocery store because they
23 sell shoelaces and those are what are typically
24 found in a Five & Dime or some other kind of
25 store.

1 I mean, there are two requirements.
2 One, the totality of the business, and then
3 another requirement with respect to what is
4 required in each event.

5 Now obviously if every event that they
6 did they contracted for food and didn't prepare
7 any, then I agree with you. Then they don't need
8 a kitchen, it's all a sham then what are we
9 talking about.

10 But that's not what we have here. We
11 have one event that we're looking at. And this
12 event they contracted for the prepared food
13 because of the specific requirements of this
14 facility.

15 CHAIRPERSON ANDERSON: All right. Let
16 me ask one question. Investigator Dantzler, how
17 long have you been working at the Agency please?

18 MS. DANTZLER: Fourteen years.

19 CHAIRPERSON ANDERSON: And have you,
20 how many catering events have you gone to do
21 investigations over the 14 years?

22 MS. DANTZLER: Maybe seven.

23 CHAIRPERSON ANDERSON: Seven?

24 MS. DANTZLER: Yes.

25 CHAIRPERSON ANDERSON: So what is your

1 understanding, when you went to investigate this
2 event, why were you there? Why were you there?

3 MS. DANTZLER: I was there because I
4 was told that it was a high possibility that the
5 advertised event may not be serving food. And
6 that Heist was using its caterer's license to
7 host the event.

8 CHAIRPERSON ANDERSON: And
9 specifically, what did you see when you went
10 there?

11 MS. DANTZLER: Specifically I saw the
12 entertainment, approximately 195 patrons, no food
13 service. But alcohol service.

14 CHAIRPERSON ANDERSON: And do you
15 recall what time this event started?

16 MS. DANTZLER: Approximately 9:00 p.m.

17 CHAIRPERSON ANDERSON: And what time
18 were you there?

19 MS. DANTZLER: At 11:00 p.m.

20 CHAIRPERSON ANDERSON: And at 11:00
21 p.m. you stated that you saw no food and no,
22 there were no indications, at least in your view,
23 that food was served, was that correct?

24 MS. DANTZLER: Correct.

25 CHAIRPERSON ANDERSON: All right.

1 MR. KLINE: Mr. Chairman, may I --

2 CHAIRPERSON ANDERSON: Yes, Mr. Kline.
3 Yes, Mr. Kline.

4 MR. KLINE: May I show the photos of
5 the food being prepared?

6 CHAIRPERSON ANDERSON: I'm sorry, what
7 did you say, sir?

8 MR. KLINE: May I show the photos of
9 the food being prepared that we have?

10 CHAIRPERSON ANDERSON: Sure. Ms.
11 Andrews, can you give Mr. Kline the ability to
12 elevate his, I'm sorry, to share his screen
13 please?

14 MS. ANDREWS: No problem.

15 CHAIRPERSON ANDERSON: Thank you.

16 MS. ANDREWS: Standby.

17 CHAIRPERSON ANDERSON: I hope you
18 don't have the food in front of you, Mr. Kline,
19 you're showing us? All right. I just want to
20 make sure. Okay.

21 MR. KLINE: Just photos. Just photos.

22 CHAIRPERSON ANDERSON: All right.

23 Okay.

24 MS. ANDREWS: Okay, Mr. Kline, you can
25 share your screen now.

1 CHAIRPERSON ANDERSON: Mr. Spada, can
2 you please put your, mute your line please, sir.

3 MR. KLINE: Can you see that?

4 CHAIRPERSON ANDERSON: No, we're not
5 seeing anything. You're not sharing your screen
6 as yet.

7 MR. KLINE: I am.

8 CHAIRPERSON ANDERSON: Yes. All
9 right, we're not, yes, okay, go ahead.

10 MR. KLINE: So you see it now?

11 CHAIRPERSON ANDERSON: I see some, I
12 think I believe a cake with a knife in front of
13 me. I'm not sure.

14 MR. KLINE: Okay, good. All right
15 excellent. So, this is what was being prepared
16 that evening.

17 Where are the others. Bear with me
18 one second. I thought I had them all teed up
19 together but I guess I don't --

20 CHAIRPERSON ANDERSON: Be careful, Mr.
21 Kline, remember the world is looking at what
22 you're sharing with us.

23 MR. KLINE: I know. I know, I know.

24 CHAIRPERSON ANDERSON: All right.

25 MR. KLINE: Here is preparation. Here

1 we go. That's my driver's license, you don't
2 want to see that.

3 CHAIRPERSON ANDERSON: I think you
4 need to take, Mr. Kline --

5 MR. KLINE: There you go. This is
6 what they were preparing.

7 CHAIRPERSON ANDERSON: All right.

8 MR. KLINE: This is finely prepared,
9 and that was what was served.

10 CHAIRPERSON ANDERSON: So you're just
11 showing us that there were desserts, no food,
12 just desserts, is that your representation, sir?

13 MR. KLINE: Yes. I don't see where
14 the statute requires, the regulations require any
15 more than that.

16 CHAIRPERSON ANDERSON: I'm just asking
17 a question. I'm not making any assumptions I'm
18 just asking.

19 You showed us some desserts, so I just
20 want to clarify for the record that all of the
21 food, from the representation that's been made is
22 that the food that was served at the event
23 consist of cake. Is that correct?

24 MR. KLINE: That's correct. That is
25 correct.

1 CHAIRPERSON ANDERSON: All right.

2 MR. KLINE: Yes.

3 CHAIRPERSON ANDERSON: You can close,
4 hold on, I'm coming, Mr. Grandis. You can close
5 your screen now, sir.

6 MR. KLINE: All right, can you take my
7 rights away?

8 CHAIRPERSON ANDERSON: Ms. Andrews,
9 can you tell him how to do what he needs to do
10 please?

11 Ms. Andrews, can you please help us
12 help Mr. Kline how can he close his screen
13 please?

14 MR. KLINE: Here we go, okay. Stop
15 sharing. Got it.

16 MS. ANDREWS: Mr. Kline, take your
17 cursor off it.

18 MR. KLINE: I got it.

19 MS. ANDREWS: There you go.

20 CHAIRPERSON ANDERSON: All right,
21 fine. Thank you.

22 MR. KLINE: Thank you.

23 CHAIRPERSON ANDERSON: All right. Any
24 questions by any Board Members? You have a
25 question, Mr. Grandis?

1 MEMBER GRANDIS: Yes. I wanted to ask
2 Mr. Kline, the photos that he has provided to the
3 Board, is that representations of food items that
4 his Client prepares or are these photos of the
5 food items that were prepared for that evening?

6 MR. KLINE: My understanding is those
7 are photos of what was prepared that evening.

8 MEMBER GRANDIS: I noticed the date
9 was July 28th of the photos.

10 MR. KLINE: The date the photo was
11 transmitted.

12 MEMBER GRANDIS: Okay. Well --

13 MR. KLINE: Not the date the photo was
14 taken.

15 MEMBER GRANDIS: I'll just say, there
16 is no indication that those photos are
17 representations of what was served that evening.
18 Those are representations of what your Client
19 prepares for his clients.

20 There is nothing in those photos that
21 indicate that those were desserts prepared for
22 that evening.

23 MR. KLINE: Well that's our proffer.
24 I mean, Mr. Spada is here, he can tell you that
25 that's what was prepared and served that evening.

1 Mr. Spada, is that what was prepared
2 and served that evening? Mr. Spada, can you
3 unmute and answer my question?

4 MR. SPADA: Yes, that was what was
5 served that evening. That's what Restaurant
6 Associate prepares and we serve it.

7 MEMBER GRANDIS: So that --

8 MR. SPADA: Just so everyone knows,
9 it's clear, obviously we have facilities where we
10 prepare stuff for our catered events, but the
11 Kennedy Center is a union house. They have union
12 rules and union stuff. We were pretty much
13 forced to use Restaurant Associates.

14 CHAIRPERSON ANDERSON: Now mister --

15 MEMBER GRANDIS: Mr. Chairman?

16 CHAIRPERSON ANDERSON: Hold on. Hold
17 on. Mr. Spada and Mr. Kline, it's not the
18 Board's, the Board is not being uncaring. So
19 whether or not they signed a contract with the
20 Kennedy Center to host an event, it's not the
21 Board's problem or concern whether or not that
22 have to comply with whatever business model that
23 the Kennedy Center has.

24 All the Board is asking, is saying,
25 that you have a contract, I'm sorry, you have a

1 contract, you have a caterer's license and what
2 are the requirements of a caterer's license. So,
3 it's irrelevant whether or not you were forced to
4 comply with the regulations of the Kennedy
5 Center.

6 What we care about is that, are you
7 complying with the regulations of your license,
8 sir. That's what --

9 MR. SPADA: Got you.

10 CHAIRPERSON ANDERSON: That's what
11 this hearing is about.

12 MR. SPADA: I understand.

13 CHAIRPERSON ANDERSON: You can go
14 back. Go ahead, Mr. Grandis.

15 MEMBER GRANDIS: Well thank you. May
16 I ask questions of the Inspector, Mr. Chairman?

17 CHAIRPERSON ANDERSON: You can ask
18 questions of whoever you want to ask questions,
19 sir.

20 MEMBER GRANDIS: Hello. I want to
21 thank you for being with us today. And when you
22 went based on the information you had received,
23 was the caterer able to show you that, yes, they
24 had completed the food service, and this is where
25 all the plates and leftovers were taken?

1 Were you given any information that
2 gives you, from your perspective, enough
3 information to say that they had served food?

4 MS. DANTZLER: I believe Mr. Spada
5 answered the questions as he believe he should
6 have. The question came into my head, when he
7 stated that the Kennedy Center provided the food,
8 then the license that he should have presented to
9 me should have been the caterer's license for the
10 Kennedy Center.

11 Then the burden of proof for me would
12 have been shifted to the Kennedy Center to prove
13 that they were the ones who were providing the
14 food because they presented, they, I'm expecting
15 Mr. Spada to present the Kennedy Center's
16 caterer's license.

17 When Mr. Spada presented Heist
18 caterer's license then all responsibilities of
19 food fell with Heist, according to the language.
20 And so I believe that Counsel is blurring the
21 lines in his representation about whose
22 responsibility it should be.

23 So if we were to listen to Mr. Kline,
24 then Heist is actually being its own client. So
25 Heist is not even providing food for its own

1 event, it relies upon the Restaurant Associate to
2 provide the food.

3 And so, when I asked of him the food
4 and he stated that everything had been eaten, it
5 seemed very suspicious to me that all food was
6 gone by the time that I arrived at the event.

7 CHAIRPERSON ANDERSON: Hold on, Mr.
8 Short, Mr. Grandis is still asking questions so
9 you will get an opportunity once Mr. Grandis is
10 done.

11 Mr. Kline, I believe that your Client
12 wants to say something so you need to give your
13 Client permission to speak, sir, if you want him
14 to answer.

15 MR. KLINE: I don't know that there is
16 a question pending. I mean --

17 CHAIRPERSON ANDERSON: He raised his
18 hand that he wanted to say something, sir, that's
19 why I am --

20 MR. SPADA: No, it's okay. It's okay,
21 Andrew got it.

22 CHAIRPERSON ANDERSON: Mr. Spada, I'm
23 an Attorney and so I, and I say this, I always
24 say to attorneys, when their clients want to
25 speak I also ask the attorney, do they want their

1 client to speak. If I wasn't an Attorney I would
2 have just, but because I know what that means.

3 That's one of the reasons why, so I'm
4 not preventing you. Being an Attorney is sacred
5 to me, so I want to make sure that I protect you
6 from yourself.

7 MR. KLINE: I appreciate that, Mr.
8 Anderson.

9 CHAIRPERSON ANDERSON: All right. Are
10 you done, Mr. Grandis?

11 MEMBER GRANDIS: Mr. Chairman, thank
12 you very much.

13 CHAIRPERSON ANDERSON: All right,
14 thank you. Mr. Short. You're on mute, Mr.
15 Short.

16 MEMBER SHORT: Thank you, Mr.
17 Chairman, for the opportunity to ask these
18 questions. I'd like to first ask, Mr. Chairman,
19 will you please read again the regulations,
20 what's required of a catering license and what
21 they should provide?

22 CHAIRPERSON ANDERSON: Well, I am
23 reading 2000.1 caterer's license issues on this,
24 D.C. Official Code Section 25-113(i), shall
25 authorize the licensee to sell, deliver and serve

1 alcoholic beverages for consumption on the
2 premises of the catered event at which the
3 licensee is also serving prepared food.

4 A caterer is a business entity engaged
5 primarily in their process and preparation and
6 service of food products which it has prepared
7 especially for the customer for an event. And
8 the service of alcoholic beverages is incidental
9 to the food preparation and service.

10 I think those are probably the
11 relevant portion that you need to hear. And it
12 says that a caterer shall not, grantors or
13 maintain by.

14 Basically, the caterer's license said
15 you cannot just serve snacks. Snack items shall
16 include, but not limited to, potato chips,
17 popcorn, pretzels, nuts, cookies and candy. All
18 right, go ahead, sir.

19 MEMBER SHORT: Thank you very much.
20 This is for the Licensee of Heist. Again, what
21 was the menu for the evening that Investigator
22 Dantzler came by, what was your menu for that
23 night?

24 MR. KLINE: Just dessert.

25 MEMBER SHORT: If I heard the Chairman

1 reading he was saying, snacks and --

2 CHAIRPERSON ANDERSON: It was not
3 desserts there. It didn't say -- go ahead, I'm
4 sorry.

5 MEMBER SHORT: Okay. The bottom line
6 is, I think that my opinion of food doesn't
7 consist of cake. And if I'm a caterer and the
8 law and the code requires me to bring food, then
9 if I'm depending on someone else to serve and I
10 have no food, then that's not a caterer's
11 license.

12 And this is my opinion as a Board
13 Member. And I'd just like to say this. If there
14 is food available and the food is being served
15 and alcohol is just incidental to the food, then
16 on this particular evening Investigator Dantzler
17 is correct in that Heist was not performing as a
18 caterer that evening he was serving alcohol.

19 And that's where I have a situation
20 that I need to have explained to me a little
21 better if I was a Board Member. I'm only one
22 Board Member, but I, as a Board Member,
23 understand what the Chairman just read and what
24 Investigator Dantzler said, then we need a better
25 explanation coming from you, Mr. Kline, to this

1 Board as to the difference between a caterer's
2 license and a person who just serves alcohol.
3 Can you give us that?

4 MR. KLINE: Yes. I can try. So, all
5 right, 2000.1 says, a caterer's license shall
6 authorize the licensee to sell, deliver and serve
7 alcoholic beverages for consumption on the
8 premises of the catered event at which the
9 licensee is also serving prepared food.

10 Prepared food was served at this
11 event. That's not an issue, as far as I know.
12 There seems to be some question about it, but we
13 have an invoice and we have photos of what was
14 being prepared.

15 And if we go to hearing we'll bring in
16 witnesses who will say it was served and it was
17 prepared. And it was served by the caterer. The
18 caterer served the food.

19 There is nothing in this regulation
20 which requires that for a particular event, for
21 one event, I'm not saying on a regular basis,
22 because we're going to get to that in the next
23 section in terms of what the business entity, the
24 business model of the licensee is, but there is
25 nothing in the regulations or the statute which

1 applies to one specific event where it says that
2 the caterer, the caterer or licensee must be the
3 one preparing the food for that particular event.
4 It doesn't say that.

5 It says that they will serve prepared
6 food at a catered event. And that's what they
7 did here.

8 Now in terms of your concern about
9 snack items, snack items include potato chips,
10 popcorn, pretzels, nuts, cookies and candy.
11 Things that are not prepared. Things that are
12 prepackaged, they have been prepared by a
13 manufacturer of offsite somewhere.

14 Here we showed you that things were
15 being prepared. There was prepared food. That's
16 what we served. So I hope that the snack item
17 issue is not an issue. So --

18 MEMBER SHORT: Mr. Chair? Forgive me
19 for cutting you off, Mr. Kline. And I do
20 understand what you are attempting to say to this
21 Board, but I just can't grasp it.

22 So you're saying anyone with a
23 caterer's license in the District of Columbia
24 could go to a McDonald's or go to any other
25 entity and just start selling alcohol because

1 food is being served there already? Is that what
2 the caterer's license is to you?

3 MR. KLINE: That is not what I said at
4 all. I haven't said anything close to that. And
5 I'm sorry if I'm not communicating clearly, but
6 that's not what I have implied, that's not what
7 I'm saying.

8 MEMBER SHORT: Let me ask you a
9 question. Again, Mr. Kline, if ever caterer's
10 license in the District of Columbia would have
11 the same argument you have, then caterers could
12 sell more alcohol than they sell food.

13 MR. KLINE: No. And here's the
14 disconnect, okay?

15 MEMBER SHORT: Okay.

16 MR. KLINE: So I've tried to make
17 clear but I'm failing apparently. We have two
18 different requirements. What is, what are the
19 requirements to maintain a caterer's license.

20 Forget about what you do in any
21 specific event, but in order to maintain a
22 caterer's license, in order to qualify for a
23 caterer's license, and let me make an analogy,
24 okay.

25 A restaurant is a place which is

1 principally involved in the sale of food service.
2 And they have requirements. They have to meet
3 either a 45 percent percentage sale requirement
4 or do \$2,000 per seat per year in food sales.
5 That doesn't mean that if somebody just wants to
6 come in and have drinks that they can't serve
7 them. That suddenly they're no longer a
8 restaurant.

9 And this is very similar to that.
10 Because we have requirements, just like the
11 restaurants do, in terms of what you must do in
12 order to maintain your caterer's license. We
13 have that.

14 And then we have another set of
15 requirements for what you must do at any
16 particular even. And with respect to the first
17 set of requirements, in terms of a caterer, is a
18 business entity engaged principally in the
19 process and preparation and service of food
20 product.

21 Now, if it is not a business engaged
22 principally in the processing, preparation and
23 service of food products, it's not, it doesn't
24 qualify for a caterer's license. And there's no
25 argument about that.

1 MEMBER SHORT: Okay. Thank you, Mr.
2 Kline.

3 This question is for Investigator
4 Dantzler. Investigator Dantzler, did you observe
5 any food at all, cake, snacks, did you identify
6 any foods when you were there the evening of this
7 violation that you wrote?

8 MS. DANTZLER: I saw no food service,
9 no food consumption. Nothing remotely close to
10 any food.

11 MEMBER SHORT: Did you go into the
12 kitchen area?

13 MS. DANTZLER: No, sir.

14 MEMBER SHORT: Okay. Well, did you
15 observe any forks, spoons, knives, plates? Did
16 you observe any napkins?

17 Did you observe anything you would
18 associate with persons eating a meal?

19 MS. DANTZLER: No. All of those
20 descriptions were void.

21 MEMBER SHORT: Thank you, Mr. Chair,
22 that's all I have at this time.

23 CHAIRPERSON ANDERSON: All right,
24 thank you, Mr. Short. Yes, Ms. Crockett.

25 MEMBER CROCKETT: Good morning.

1 MR. KLINE: Mr. Chairman, may I ask a
2 question and clarification of what was just
3 elicited from the Investigator?

4 CHAIRPERSON ANDERSON: Hold on one
5 minute please, Ms. Crockett. What is the
6 question, Mr. Kline?

7 MR. KLINE: If the Investigator ever
8 asked to see the evidence of food refuse or dirty
9 food trays or anything else related to the
10 consumption of food prior to her arrival at the
11 establishment?

12 CHAIRPERSON ANDERSON: So what are you
13 saying, sir?

14 MR. KLINE: I'm asking whether she
15 ever asked to see any of that. She said she
16 didn't observe any of it. Mr. Spada will say
17 that he was never asked to show that or he
18 certainly would have done so. But she didn't
19 ask.

20 CHAIRPERSON ANDERSON: Well, really,
21 this is a fact finding hearing, Mr. Kline, we're
22 just asking questions. So if you want to --

23 MR. KLINE: I'm just trying to help
24 you find facts.

25 CHAIRPERSON ANDERSON: All right. If

1 you want to have Mr. Spada make a statement you,
2 from his perspective or from the licensee's
3 perspective you are welcome.

4 Ms. Crockett is going to ask some
5 questions, but you are welcome for him to present
6 whatever factual assertions that he wants to
7 make, sir. Okay?

8 MR. KLINE: Thank you.

9 CHAIRPERSON ANDERSON: Go ahead, Ms.
10 Crockett.

11 MR. KLINE: Thank you.

12 MEMBER CROCKETT: Good morning, again,
13 Mr. Kline. Can you please remind me what time
14 this event began?

15 MR. KLINE: Mr. Spada, what time was
16 the event again? Can you unmute yourself and
17 answer that.

18 MR. SPADA: It begins at 9:00 and ends
19 at, the music goes down at 12:30 and it wraps up
20 around 1:00.

21 MEMBER CROCKETT: Okay. So this event
22 began at 9 o'clock, which is generally beyond
23 what we would consider dinner hours, correct?

24 MR. KLINE: Yes.

25 MEMBER CROCKETT: So essentially you

1 hosted a dessert party?

2 MR. KLINE: I think that's --

3 MEMBER CROCKETT: Is that an accurate
4 representation of what you did, you hosted a
5 dessert party? Is my understanding accurate?

6 MR. KLINE: Yes, I believe it is. Mr.
7 Spada?

8 MEMBER CROCKETT: Mr. Spada, can you
9 --

10 MR. SPADA: Yes. We provided prepared
11 desserts for the customer.

12 MEMBER CROCKETT: For an event that
13 began at 9:00 p.m.? Thank you.

14 MR. SPADA: Correct.

15 MR. KLINE: Thanks.

16 MEMBER CROCKETT: Ms. Dantzler, per
17 Mr. Kline's prompting, did you actually visit the
18 kitchen or the area where foods would have been
19 prepared or where eaten foods may have been
20 carried off or anything like that?

21 MS. DANTZLER: No.

22 MEMBER CROCKETT: Thank you. I have
23 no further questions.

24 CHAIRPERSON ANDERSON: All right.
25 Thank you. Ms. Dantzler, why, I'm sorry, any

1 other questions?

2 All right. I think all Board Members
3 have gone.

4 MEMBER GRANDIS: Mr. Chairman? Mr.
5 Chairman?

6 CHAIRPERSON ANDERSON: Yes, Mr.
7 Grandis.

8 MEMBER GRANDIS: May I have a follow-
9 up? May I have a follow-up?

10 CHAIRPERSON ANDERSON: Yes, Mr.
11 Grandis.

12 MEMBER GRANDIS: Inspector Dantzler,
13 upon your arrival, if you had seen evidence of
14 these desserts or plates or refuge, as you would
15 see at an event, would you have brought up these
16 issues or would you have been satisfied?

17 MS. DANTZLER: I would have brought up
18 those issues. I think it's important to note
19 that when I walked the event I saw no trash
20 reciprocals there in the patron or participants
21 area. The only trash areas I saw, that could
22 hold trash, was the area where the bar was
23 located.

24 And so, once Mr. Spada, I told him the
25 reason why I was there, and that food was the

1 issue. And so I understood from his response
2 that, yes, I put the food out at 8:45 and all the
3 food was eaten.

4 And so, he also told me that the event
5 ended at 2 o'clock and that all, that they would
6 be shutting down at 1:30. And so, I didn't see
7 any food. Not remnants of food whatsoever.

8 And I think that we should be
9 discussing the actual event that night and the
10 responsibility of the licensee. And that their
11 operations is not critical at this time. It's
12 like, did they provide the food on the night of
13 the event. And Counsel admitted that Heist did
14 not provide the food.

15 MEMBER GRANDIS: So my question again
16 is, if you had gone in and you had seen some cake
17 leftover to be picked up by patrons or a refuge,
18 would you have gone further or would you have
19 been satisfied?

20 I'm just trying to understand what was
21 the motivation of the conversation that you had
22 with the Licensee. Thank you.

23 MS. DANTZLER: I would have been
24 satisfied that food was provided. I more than
25 likely would have asked additional questions.

1 And asked questions about how much food was there
2 for the remainder of the event.

3 MEMBER GRANDIS: Mr. Chairman, thank
4 you.

5 CHAIRPERSON ANDERSON: Thank you, Mr.
6 Grandis. Mr. Kline, any further representation
7 you want to make on behalf of your Client, sir?

8 MR. KLINE: Yes. I have a couple of
9 questions for Ms. Dantzler in light of what was
10 just said.

11 CHAIRPERSON ANDERSON: Go ahead.

12 MR. KLINE: Investigator Dantzler,
13 when you visit establishment or areas where
14 events have taken place, isn't the trash and the
15 food waste normally removed to the kitchen area
16 in your experience?

17 MS. DANTZLER: Are you speaking of a
18 catered event?

19 MR. KLINE: Yes, a catered event. The
20 kitchen, isn't the food waste and the dirty
21 plates and everything, you don't have trash cans
22 around a nice catered event, do you?

23 MS. DANTZLER: Well, I've actually
24 seen both. I've seen refuse still in the same
25 area where food is being served. And I've also

1 seen where refuse has been removed in the
2 immediate area. Yes, sir.

3 MR. KLINE: So it's not unusual that
4 you wouldn't see food waste if food service had
5 stopped some time before you got there, correct?

6 MS. DANTZLER: Correct.

7 MR. KLINE: And in fact, your inquiry
8 came to an end when you learned that the food had
9 been prepared by Restaurant Associates and not by
10 the licensed caterer? That was your concern.

11 And in terms of whether food had been
12 served earlier, at that point that no longer was
13 a concern, correct?

14 MS. DANTZLER: No, sir.

15 MR. KLINE: Well then why didn't you
16 go into the kitchen to see if there were any
17 remnants of food or any evidence that food had
18 been consumed earlier in the evening?

19 MS. DANTZLER: Because my
20 understanding from Mr. Spada is that all the food
21 had been consumed, that there was no more food
22 after the initial food was sat upon each table.
23 And there were 58 tables. And I'm understanding,
24 that was all the food that was provided, was what
25 was sat on each table.

1 MR. KLINE: And did they eat the
2 plates too?

3 MS. DANTZLER: I'm sorry?

4 MR. KLINE: Withdrawn. That's all
5 I've got, thank you.

6 CHAIRPERSON ANDERSON: All right. Mr.
7 Kline, this event at the Kennedy Center, is this
8 a series of events or was this just a one-time
9 event?

10 MR. KLINE: I don't know the answer to
11 that. Mr. Spada?

12 MR. SPADA: It's a series of events.

13 CHAIRPERSON ANDERSON: It's a series
14 of events.

15 MR. SPADA: And other ABRA
16 investigators have come.

17 CHAIRPERSON ANDERSON: All right.
18 Now, I guess what I'm trying to find out, so it's
19 a series of events and it's a same, it's the same
20 setup regarding food so for all the events is it
21 correct that we just provide cake or are there
22 additional food being provided?

23 MR. SPADA: Prepared food. And it
24 depends on what the, we get.

25 But also, just for the record, I want

1 to say that other ABRA investigators have come.
2 Consequently to Investigator Dantzler's first
3 night, that was opening night that they came.

4 CHAIRPERSON ANDERSON: All right.

5 MR. SPADA: They come progressively,
6 just so you know. And they look for stuff too,
7 as well.

8 CHAIRPERSON ANDERSON: Well, I'm --

9 MR. SPADA: I'm letting you guys know
10 we're not lying. The food was there, we've shown
11 you guys' invoices, I promise you.

12 CHAIRPERSON ANDERSON: I don't know if
13 any potential violations had occurred previously
14 to Ms. Dantzler's visit or after Ms. Dantzler's
15 visit. This fact finding hearing is just on her
16 visit, so I am not aware of any of the reports by
17 any of the investigators for this event.

18 But I guess what I'm trying to find
19 out is that, and Mr. Kline or Mr. Spada, for the
20 rest of the summer, because this is a summer
21 series, and the clients, what type of food is
22 being provided at this event and how long, I
23 mean, how long is the food available?

24 MR. KLINE: Mr. Spada.

25 MR. SPADA: We have prepared desserts

1 for, we have pretty much, I think we have three
2 more events. Two more. Three or two more events
3 at the Kennedy Center.

4 CHAIRPERSON ANDERSON: And the
5 desserts have been, they're basically --

6 MR. SPADA: They're being prepared.
7 Yes, they're prepared. Yes.

8 MR. KLINE: I think Board Member
9 Crockett's characterization of the event as a
10 dessert party is an appropriate one.

11 CHAIRPERSON ANDERSON: Well, she had
12 asked the question and so it's up to the, that
13 was her opinion. She asked the question and the
14 answer could be that this is not a dessert party.

15 But we can all ask questions and it's
16 up to the person who is in receipt to state that,
17 to state their view of what type of event it is
18 based on what was provided. Ms. Crockett asked a
19 question, was this a dessert party, that's what
20 she asked. She said in her view it was.

21 MR. KLINE: Right.

22 CHAIRPERSON ANDERSON: And it's up to
23 yourself or your Client to say, it was not a
24 dessert party. I'm getting to you, Mr. Kline.

25 MR. KLINE: Well, no, I'm saying we

1 think that's a fair characterization, is my
2 point.

3 CHAIRPERSON ANDERSON: Okay.

4 MR. KLINE: That it's a dessert party.
5 It started at 9 o'clock. I mean, we're not going
6 to serve dinner at 9 o'clock.

7 CHAIRPERSON ANDERSON: Well, anyway.
8 All right. Yes, Mr. Short, what questions do you
9 have?

10 MEMBER SHORT: Yes. I'd just like to
11 ask Mr. Spada, or his Attorney. Do they make
12 more money selling alcohol or selling food?

13 And then secondly, for the whole
14 summer series, does he only serve just cake for
15 every one of those events?

16 MR. KLINE: Yes. I mean, in terms of
17 this, the caterer, its principal business is the
18 sale of food. That's what's required by the law.

19 But as we've discussed earlier, I
20 think at length, that doesn't relate to any
21 specific event.

22 What has been planned for these events
23 are, as I think appropriate characterized, a
24 series of dessert parties at the Kennedy Center.

25 MEMBER SHORT: Okay. Mr. Kline, the

1 question I asked, and I'll ask it again, if a
2 caterer's license says alcohol is incidental to
3 food, how much money did the caterer make off of
4 alcohol and how much money did they make off the
5 cake?

6 MR. KLINE: For this particular event?

7 MEMBER SHORT: No. Well, this is the
8 only one before us at this time, but the question
9 I was asking also, for the whole series, the
10 summer series at the Kennedy Center, which is a
11 lovely place, I love to go there, the only
12 question I'm asking now is, the only question I'm
13 asking is, the food is supposed to be, or alcohol
14 is incidental to food for a caterer's license,
15 how much money did he make off of food and how
16 much money did he make off of alcohol?

17 And I know there's got to be record
18 because when he does his filings with ABRA he has
19 to file as a caterer, how much money he makes off
20 alcohol and how much --

21 MR. KLINE: Right.

22 MEMBER SHORT: -- he makes off of
23 food.

24 So if alcohol is incidental to food,
25 he should sell more food than alcohol. So how

1 much did he make off of each?

2 MR. KLINE: Okay, but, all right, I
3 don't know.

4 MEMBER SHORT: Okay.

5 MR. KLINE: We're conflating something
6 here because --

7 MEMBER SHORT: No, Mr. Kline --

8 MR. KLINE: -- because --

9 MEMBER SHORT: Mr. Kline.

10 MR. KLINE: Mr. Short, if I may
11 please.

12 MEMBER SHORT: Mr. Kline, the question
13 is, the code says alcohol is incidental to food,
14 and he has to do a filing with ABRA every year to
15 keep his license. So, he should have --

16 MR. KLINE: Exactly correct. You're
17 making the point. You're making my point.

18 MEMBER SHORT: He should have those
19 records. So I'm asking, if he has those records,
20 can you or he provide for me, as a Board Member,
21 how much money he made off of alcohol and how
22 much, if it's incidental, then that should be
23 easy to say, we made a lot more money off of food
24 than we made off of alcohol because it's
25 incidental.

1 MR. KLINE: I agree with you a hundred
2 percent, and you've made my point, and I wish I
3 had made it. Which is, the filings that are
4 required under the regulations relate to the
5 business of the entity for the year.

6 We don't file, we're not required for
7 file for specific events. There's no requirement
8 that you derive more revenue from the sale of
9 alcohol at a specific event.

10 But overall, over the course of the
11 year, just like the restaurants. It's the same
12 example as a party walking in and having drinks
13 without food in a restaurant, that doesn't mean
14 they're not a restaurant.

15 And I think your point is a good one.
16 Overall, this business entity, which is what's
17 required under 2000.1, is principally engaged in
18 the process and preparation and service of food
19 products. And overall, in terms of your entire
20 business model, the sale and service of alcohol
21 is incidental to that. And the filings reflect
22 that.

23 MEMBER SHORT: I agree with you and I
24 disagree with you. I disagree with you because
25 you are trying to say, just like a restaurant.

1 He doesn't have a restaurant license, he has a
2 caterer's license. And his caterer's license
3 specifically says, he must serve more food than
4 he sells alcohol.

5 And it sounds like by having, as Ms.
6 Crockett or Board Member Crockett would say, he's
7 having a dessert party. Then a caterer, by law,
8 can't have a dessert party because the code
9 doesn't allow a person with a caterer's license,
10 and I'm not a lawyer, I've known you for nine
11 years, I know you well, Mr. Kline, and nice
12 seeing you again this morning --

13 MR. KLINE: Thank you.

14 MEMBER SHORT: -- but the bottom line
15 is, Mr. Kline, the question I'm asking is, since
16 he is not a restaurant, can he have, as Ms.
17 Crockett would say, a dessert party because
18 caterers, as far as the code is reading, the way
19 I read the code, and the way that the Chairman
20 read the code to us today, does not allow a
21 caterer to operate as a restaurant. Is that
22 correct?

23 MR. KLINE: Yes. My argument is by
24 way of analogy. And the point is, we're talking
25 about, is it a duck, okay. And when you look at

1 whether it's a duck you don't look at what it
2 does at one particular time you look at what it
3 is all the time.

4 And my analogy is, a restaurant has
5 certain requirements that it has to meet over the
6 course of a year. A caterer has certain
7 requirements it has to meet over the course of a
8 year.

9 A restaurant, at a particular venue,
10 there may be no one consuming food and everyone
11 consuming alcohol. In order to qualify for their
12 license they have to derive at least 45 percent
13 of their revenue from the sales of food over the
14 course of the year or do \$2,000 per seat, per
15 year in food sells over the course of the year.

16 The caterer is required to be able to
17 engage principally in the preparation, sell and
18 service of food over the course of the year. But
19 that doesn't mean in any particular moment that
20 anyone has to be consuming food at a catered
21 event or that a specific catered event is
22 required to be principally about the substantial
23 surplus of food, although prepared food must be
24 offered.

25 That's the only requirement is that

1 prepared food be served. And prepared food was
2 served at this event.

3 MEMBER SHORT: Okay. Now, he says,
4 and we all know there is a summer series, which
5 is more than one event, correct?

6 MR. KLINE: Correct.

7 MEMBER SHORT: So, we're not talking
8 about one event. How many events does he have
9 under the summer series?

10 MR. KLINE: Mr. Spada, how many are
11 there? Five or six?

12 I mean, to answer your question --

13 MR. SPADA: Two more. Two more.

14 MR. KLINE: -- I think I know --

15 MR. SPADA: We have two more.

16 MR. KLINE: Two more.

17 MEMBER SHORT: How many do you have
18 for the year at the Kennedy Center?

19 I'm not talking about any other
20 businesses, how many events at the Kennedy
21 Center?

22 MR. SPADA: We had four so far.

23 MEMBER SHORT: How many total do you
24 have for the year 2021?

25 MR. SPADA: Seven or eight. Depending

1 on the weather too. If it rains we're out of
2 business.

3 MEMBER SHORT: I understand.

4 MR. SPADA: And then we're stuck with
5 all these prepared desserts.

6 MEMBER SHORT: I understand. I love
7 that rooftop at the Kennedy Center. It's one of
8 my favorite places in all of Washington, D.C. I
9 make it a point to get there on a regular basis
10 during the year.

11 And I've never been to your events
12 because I like to have a full dinner when I'm at
13 there, on that rooftop. It's just so great.

14 But the bottom line is, your Attorney
15 was saying, just for one event. So you are
16 saying there are seven or eight events that
17 haven't occurred.

18 So do you have, as our Investigator --

19 MR. SPADA: Excuse me, total --

20 MEMBER SHORT: Excuse me.

21 MR. SPADA: -- there will be a total
22 of six events.

23 MEMBER SHORT: Okay, excuse me. Okay,
24 excuse me. But someone mentioned dessert
25 parties. Are all of them dessert parties?

1 MR. SPADA: They don't have to be,
2 sir. They don't have to be all dessert parties.

3 MEMBER SHORT: I didn't ask you what
4 they have to be, I'm asking you to date, have all
5 of them been dessert parties?

6 MR. SPADA: So far, yes.

7 MEMBER SHORT: Thank you very much.
8 No further questions, Mr. Chairman.

9 CHAIRPERSON ANDERSON: All right,
10 thank you.

11 MR. SPADA: Thank you, Mr. Short.

12 CHAIRPERSON ANDERSON: Thank you, Mr.
13 Short. Board Member Bobby Cato has joined us.

14 All right. Let me ask you, Mr.
15 Brashears or Ms. Dantzler, do you know how much
16 was spent in food for this specific event?

17 MR. BRASHEARS: Yes. Yes, sir. I was
18 provided an invoice for \$2,000 worth of food.
19 And when I asked if they could be more specific,
20 I was basically provided just an invoice that
21 stated food.

22 The other side of that, there was over
23 \$14,000 worth of alcohol invoiced for the event.
24 And in addition to that, there were actual bottle
25 packages and things for sale during the event at

1 what we're calling a dessert party.

2 I also wanted to point out,
3 Chairperson, when Investigator Dantzler was asked
4 about trash and refuge and things on the rooftop,
5 it was my understanding in reviewing her report
6 she didn't see any food stuffs or anything of
7 that nature, but there packaging, boxes and
8 things for the alcohol. So, she may be able to
9 speak a little more on that.

10 But there was refuse found somewhere
11 on the rooftop, if I remember correctly.

12 CHAIRPERSON ANDERSON: Ms. Dantzler,
13 can you finish that thought please, if you're
14 able to?

15 MS. DANTZLER: Yes. If I can share my
16 screen to show you the bar area?

17 CHAIRPERSON ANDERSON: Sure, go ahead.
18 Sure. Ms. Andrews, can you allow Ms. Dantzler to
19 share her screen please?

20 MS. ANDREWS: Sure. Standby. Okay,
21 Ms. Dantzler, you may now share your screen.

22 MS. DANTZLER: Okay. What I'm
23 presenting here is my investigative report. And
24 I'm going to go down to the exhibits.

25 Exhibit Number 1 is showing the

1 alcohol packages. This menu was placed upon each
2 table, which consisted of 58 tables in total.
3 And as you can see, there are pricing on there.
4 There are no mentioning of any food items.

5 Exhibit Number 2 shows the setup that
6 was on each table. The bottle of Monet
7 Champaign, the flute glasses and the Red Bull.
8 2A is representation of the bottle that was
9 inside the ice bucket.

10 Looking at Exhibit Number 3, this is
11 the pad, pamphlet for lack of a better word, this
12 is the pad that was behind the bar area showing
13 all the alcohol that was provided for service.
14 And as you can see, the only food there are
15 limes. Exhibit Number 3A is just an up close
16 photograph.

17 Exhibit Number 4 is depicting, this is
18 the only trash area that I came across when I
19 walked the rooftop. And you can see discarded
20 boxes of alcoholic beverages.

21 A closer look at the alcohol that was
22 provided, as you can see in Exhibit Number 5.

23 And as you can see in Exhibit Number
24 6, this is the license, the caterer's license,
25 that was provided. I cannot underscore this, is

1 that Heist used its caterer's license. And with
2 this caterer's license it tells me that you will
3 be providing the food.

4 I cannot underscore that Heist did not
5 provide any food. All food was provided by a
6 secondary source.

7 And as we go on to Exhibit Number 7,
8 which has seven individual pages, this is the
9 summer series that was advertised that Supervisor
10 Brashears was able to locate on social media.
11 And from Page 1 to Page 7 it mentions no service
12 of food. However, it's well, the reader is well
13 informed about what alcohol would be provided.

14 CHAIRPERSON ANDERSON: All right,
15 thank you, Ms. Dantzler. All right, I want to
16 bring closure to this hearing. Please close your
17 screen.

18 Any other questions by any of the
19 Board Members before, I'm going to give you the
20 final word, Mr. Kline, any other questions on any
21 issue by any of the Board Members?

22 MEMBER GRANDIS: Yes, sir.

23 CHAIRPERSON ANDERSON: Yes, Mr.
24 Grandis.

25 MEMBER GRANDIS: So, based on what the

1 Attorney for the Licensee has provided us, it
2 seems that this establishment, the Kennedy
3 Center, is required based on its union rules or
4 house procedures, that they are the ones who only
5 can provide food at events and therefore any
6 caterer that goes there is only going to be able
7 to provide the alcohol. Is that a fair
8 understanding of what's happening at the Kennedy
9 Center?

10 CHAIRPERSON ANDERSON: Who are you
11 asking the question to, Mr. Grandis?

12 MEMBER GRANDIS: For the Attorney.

13 MR. KLINE: I think that's a fair
14 assessment, Mr. Grandis.

15 MEMBER GRANDIS: Thank you.

16 MEMBER SHORT: Mr. Chair, I have one
17 last question.

18 CHAIRPERSON ANDERSON: Yes, Mr. Short.

19 MEMBER SHORT: I'd like to ask was
20 there, since we saw a menu for alcohol, was there
21 any menu or anything, any documents stating what
22 foods were available?

23 Even cake. Is anything available in
24 writing stating any nourishment at all for the
25 patrons at this event other than alcohol?

1 MR. KLINE: Well I don't know if
2 people consider cake nourishment, but I mean,
3 there was cake available and it was, made and it
4 was available.

5 MEMBER SHORT: Okay, not a problem.
6 Was there anything in writing as far as a menu
7 with food anywhere on it?

8 Cake, snacks, anything that you have
9 that you can ingest other than alcohol provided
10 for the patrons at this event?

11 MR. KLINE: No, sir. Just what was
12 served.

13 MEMBER SHORT: Thank you.

14 CHAIRPERSON ANDERSON: All right,
15 thank you, Mr. Short. Any other questions by any
16 other Board Members?

17 Mr. Kline, as I stated, this is a fact
18 finding hearing. Any final statements that you
19 want to make?

20 MR. KLINE: Yes. I mean, it's clear
21 that the Board has concerns about how this is
22 proceeded. I think we have a fundamental
23 disagreement as to what the law allows and
24 requires.

25 The Licensee wants to comply with the

1 law. They have no intention of being in
2 violation.

3 But we are hearing that the Board has
4 concerns, and we're not interested in just
5 litigating, I mean, we want to, my Client wants
6 to be in compliance with the law.

7 I think I, given what I've heard from
8 the Board's concerns, even though I do not
9 specifically agree with many of the conclusions
10 that have been reached, and perhaps in the future
11 the Counsel will clarify, or will litigate and
12 clarify as the case may be, I would prefer the
13 former to the latter.

14 But in advance of that I will speak
15 with him and we will talk about perhaps getting
16 one day licenses for these events because they
17 want to be in compliance. As I said, we disagree
18 with what we've heard from some Board Members
19 concerning what's allowed, allowable under a
20 catering license.

21 But the bottom line is, this Licensee
22 wants to be in compliance, wants to be viewed by
23 the Board as being in compliance, even if we
24 might disagree as to what that compliance looks
25 like. So we will certainly look at that.

1 CHAIRPERSON ANDERSON: All right,
2 thank you, Mr. Kline. You and your Client are
3 always open to sit with the licensing division to
4 find out what type of license class would be
5 appropriate if they want to continue this series.

6 And I'm asking that a catering license
7 is not appropriate, but if there are concerns, as
8 you are aware, the Agency is always open to have
9 discussion with each licensee to ensure that they
10 comply with the law. So you and your Client are
11 available to meet with the licensing division to
12 figure out a way forward if it's determined that
13 a catering license is not the appropriate license
14 to be utilized for these events. Okay?

15 All right, the Board will take this
16 matter under advisement. As I stated, it's just
17 a fact finding hearing, although you might have
18 heard different opinions expressed by different
19 Board Members, the Board has not made any
20 determination what the next steps are. So we
21 will take this matter under advisement and advise
22 you and your Client what our position is moving
23 forward.

24 So I want to thank you very much for
25 your participation. You and Client's

1 participation today. And this hearing, this fact
2 finding hearing is now closed.

3 And we will now move on to our, I'm
4 going to recall our other case. So thank you
5 very much for your participation.

6 MR. KLINE: Thank you, Mr. Chairman
7 and thank you, Members of the Board.

8 MR. SPADA: Thank you, everybody.
9 Thank you, everyone.

10 CHAIRPERSON ANDERSON: Thank you.

11 (Whereupon, the above-entitled matter
12 went off the record at 12:14 p.m.)
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In the matter of: Heist

Before: DCABRA

Date: 07-28-21

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